

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	NO. 4:16-CR-00036
	§	
BRADY LEE PEYTON	§	

DEFENDANT’S UNOPPOSED MOTION TO CONTINUE SENTENCING

TO THE HONORABLE JUDGE ALFRED H. BENNETT, UNITED STATES
DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS, HOUSTON
DIVISION:

COMES NOW, BRADY LEE PEYTON, Defendant, by and through his
undersigned counsel, and respectfully moves this Honorable Court to continue
sentencing in this cause and in support of same would show as follows:

I.

This case is currently set for sentencing on February 9, 2017, at 10:00 A.M.

II.

Defendant requests a continuance of the sentencing date for at least 30 days.
On December 22, 2016, Counsel filed objections to the pre-sentence investigation
report. [Doc. No. 22]. On February 6, 2017, United States Probation filed
responses to Counsel’s objections and provided an attachment to its responses.
[Doc No. 41, 42]. The attachment consists of 324 pages of additional information
regarding the victims in this case. Counsel objected to the restitution amount in this

case on December 22nd and requests additional time to review, investigate, and if necessary further object, to the information provided by United States Probation in its response to the objections. Because of this, Counsel for Defendant requires additional time to prepare for sentencing in order to provide effective assistance of counsel to his client.

III.

This motion is made, not for the purpose of delay, but that justice may be done.

WHEREFORE, PREMISES CONSIDERED, Defendant, respectfully prays that the Honorable Court grant this Motion to Continue Sentencing for at least 30 days from its current date.

Respectfully submitted,

/s/ David R. Bires

DAVID R. BIRES

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Attorney for Defendant,
BRADY LEE PEYTON

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CERTIFICATE OF CONFERENCE

On February 6, 2017, Counsel for Defendant conferred with AUSA Kimberly Ann Bulger Leo concerning her position on Defendant's Motion to Continue Setting. Ms. Leo is unopposed to this continuance.

On February 6, 2017 Counsel for conferred with USPO Kimberly P. Jones concerning her position on Defendant's Motion to Continue Setting. Ms. Jones stated she was unopposed to this continuance.

/s/ David R. Bires
DAVID R. BIRES

CERTIFICATE OF SERVICE

I hereby certify that on February 6, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to AUSA Kimberly Ann Bulger Leo and USPO Kimberly P. Jones.

/s/ David R. Bires

DAVID R. BIRES